## IN THE CIRCUIT COURT OF MACON COUNTY, MISSOURI

DANNY SLATES, Individually and as Plaintiff Ad Litem for KARLA LAMMERS, deceased,

Plaintiffs,

. . .

SEYED SAJADI, M.D., JEFFREY TURK, M.D., and SAMARITAN MEMORIAL HOSPITAL

Defendants.

Case No. WACON COUNTY CIRCUIT COUNT DW.

# PATITION FOR WRONGPUL DEATH OR SURVIVAL DAMAGES

comes now, Plaintiff, Danny Slates, by and through his attorneys of record, and for his cause of action against the Defendants, and each of them, alleges and states as follows:

# ALLEGATIONS COMMON TO ALL COUNTS

- 1. Plaintiff, Danny Slates, is the sole surviving child of Decedent, Karla Lammers, is within the class of individuals who may bring a wrongful death action and has been duly appointed as the plaintiff ad litem for Decedent Karla Lammers.
- 2. Defendants, Seyed Sanadi and Jeffrey Turk are and were at all times herainafter montioned physicians licensed in the State of Missouri to practice of medicine.



- 3. Defendant Samaritan Memorial Rospital is a corporation organized and existing under the laws of the State of Missouri.
- 1. Defendant Jeffrey Turk, M.D. at all times relevant represented and held himself out to the public, and in particular to Plaintiff and Decadent, as specialists in the field of radiology.
- 5. Defendant Seyed Sajadi, M.D. at all times relevant represented and held himself out to the public, and in particular to Plaintiff and Decedent, as a medical doctor qualified to render medical care in an emergency room.
- 6. At all relevant times, Defendant Samaritan Memorial Hospital held itself out as having the facilities, equipment, physicians, staff, nurses, and other medical and nursing personnel who were expected to be well trained in their respective fields and able to render skillful, proper and expert services to properly troat Karla Lammers.
- 7. At all relovant times, Defendants Sajadi and Turk were the agents, employees or servants of Defendant Samaritan Memorial Hospital and acted within the course and scope of that employment.
- 8. On April 19, 2004, Karla Lammers arrived at the Samaritan Memorial Hospital emergency room via ambulance (7368518910C)

with complaints of shortness of breath and chest pain. Earlier in the day, she almost passed out.

- 9. Karla Lammers was seen in the emergency room by Defendant Sajadi on April 19, 2004.
- 10. While she was in the emergency room, Karla Lammers made additional complaints of pain in her right shoulder radiating into her neck. In addition, she complained of "needles" in her chest when she would take a deep breath.
- 11. While she was at the hospital on April 19, 2004, Karla Lammers received a chest x-ray.
- 12. While she was at the hospital on April 19, 2004, Karla Lammers had an electrocardiogram.
  - 13. The electrocardiogram was abnormal.
- 14. Notwithstanding Karla Lammers' symptoms and the results of diagnostic tests, Defendant Sajadi discharged Karla Lammers to go home.
- 15. On April 20, 2004, Kurla Lammers again arrived at Samaritan Memorial Hospital via ambulance with complaints of right shoulder pain, chest pain, and shortness of breath.
- 16. On April 20, 2004, Earla Lammors died while at Samaritan Memorial Hospital.
- 17. Defendant Turk did not interpret Karia Lammers x-rays until April 21, 2004.

18. An autopsy of Karis Lammers determined that the cause of her death was multiple bilateral pulmonary thrombo-emboli.

# COUNTY IN WRONGFUL DEATH

COME NOW Plaintills and for Count I of their Petition.

- 19. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-18 of this petition as though fully set forth herein.
- 20. Defendant Sajadi was negligent in the following particulars:
  - a. In failing to recognize that Decedent's chest x-rays and abnormal electrocardiogram warranted admission into the hospital on April 19, 2004, not a discharge to do home;
  - b. In failing to advise Decedent of her abnormal electrocardiograms
  - c. In failing to recommend additional diagnostic workup to bither confirm or osclude a diagnosis of a pulmonary embolism;
  - d. In discharging Decedent on April 19, 2004;
  - e. In failing to recommend the appropriate referral for additional diagnostic work, up to

- elther confirm or exclude a diagnosis of a pulmonary embolism;
- f. In failing to obtain a pulmonary or cardiology consult;
- q. in such other particulars as may become apparent during the course of discovery in this case.
- 21. Defendant Turk was negligent in failing to interpret the x-rays of April 19, 2004 until after the death of Karla Lammers and in failing to advise Defendant Sajadi of necessary additional work up to either confirm or exclude a diagnosis of a pulmonary embolism or other pulmonary or cardiology problems.
- 22. In addition to being vicariously liable for the negligent acts of Defendant's Sejadi and Turk under the doctrine of respondent superior, Defendant Samaritan Memorial Hospital independently was negligent in the following particulars:
  - a. In hiring and/or retaining Seyed Sajadi without performing an appropriate background check into his credentials and background;
  - b. In failing to have appropriate policies and procedures in place that would allow for timely referrals to specialists or institutions that

would have allowed Karla Lammers to receive timely medical care;

- c. In such other particulars as is learned through discovery.
- 23. As a direct and proximate result of the megligence of these defendants as set forth in Paragraphs 20 through 22 of this Petition, Decodent died on April 20, 2004, and Plaintiff Danny Slates was damaged thereby.
- 24. As a direct and proximate result of the negligence of these defendants as sot forth in Paragraphs 20 through 22 of this Petition, Decedent was forced to endure severe and debilitating pain and suffering that would not have otherwise been necessary.

WHEREFORR, Plaintiffs request judgment in their favor in an amount that is fair and just, in excess of \$25,000, for their costs incurred herein and for such further relief as the court deems just.

COUNT II: LOST CHANGE OF SURVIVAL/RECOVERY

COME NOW Plaintiffs and for Count II of their Patition state:

25. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-16 and 20-22 of this Petition as though fully set forth herein.

26. As a direct and proximate result of the negligence of these defendants as set forth in Paragraphs 20-22 of this Petition, Decedent lost a material, significant and substantial chance of survival and/or recovery that she otherwise had if she had received the appropriate work up and treatment.

WHEREFORE, Plaintiffs request judgment in their favor in an amount that is fair and just, in excess of \$25,000, for their costs incurred herein and for such further relief as the court does just.

Robert H. Houske

#36550 #42265

John S. Rollins #4 ROUSKE & ROLLINS, P.C.

4550 Belloview

Kensas City, Missouri 64111 TELEPHONE: (816) 756-5800

FACSIMILE: (816) 756-1999

ATTORNEYS FOR PLAINTIFFS

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### Directions to Clerk

Personal service outside the State of Missouri is permitted only upon certain conditions set forth in Rule 54. The clerk should insert in the summons the names of only the Defendant/Respondents or Defendant/Respondents who are to be personally served by the officer to whom the summons is delivered. The summons should be signed by the clerk or deputy clerk under the seal of the court and a copy of the summons and a copy of the petition for each Defendant/Respondent should be melled along with the original summons to the officer who is to make service. The copy of the summons may be a carbon or other copy and should be signed and scaled in the same manner as the original but it is atmosphery to certify that the copy is a true copy. The copy of the motion may be a carbon or other copy and should be securely attached to the copy of the summons but need not be certified a true copy. If the Fishulff's/Fetitioner's address and telephone number should be stated in the appropriate squart on the summons. This form is not for use in attachment actions. (See Rule 54.06, 34.07 and 54.14)

#### Directions to Officer Making Meluin on Service of Summons

A copy of the summers and a copy of the motion must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion when effected, the return shall be prepared accordingly so as to show the officer of the officer to deliver the summons and mustion and the Defendant's/Respondent's radigat to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or improspect person not having a logally appointed guardian, by delivering a copy of the summons and protein to the individual personally or by having a copy of the ninumens and faction at the individual's dwelling house or usual place of abode with some person of the family over 17 years of age, or by delivering a copy of the summons and periods to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, pertnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or instanging or general agent, or by leaving the copies at any husiness office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Uppn a public, municipal, governmental, or quasi-public corporation or body or to any person otherwise fawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "territory."

The diffice making the service must swear an ailidavit before the clark, deputy clerk, or judge of the court of which the person as an officer or other person authorized to administer caths. Has affidivit must state the time, place, and manner of service, the collected character of the affinit, and the affinit's authorize to serve process in civil actions within the same or territury where service is made.

Service must not be made less than ten days not more than 30 days from the date the Defendant/Respondent is to appear in court. The return should be made promptly and in any event so that it will reach the Missouri Court within 30 days after service.

IN THE CIRCUIT COURT OF MACON COUNTY! MISSOURI

DANNY SLATES, Individually and as Plaintiff Ad Litem for KARLA LAMMERS, deceased,

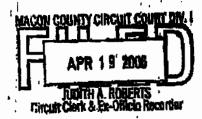
Plaintiffs.

٧,

SEYED SAJADI, M.D., JEFFREY TURK, N.D., and SAMARITAN MEMORIAL HOSPITAL

Defendants.

Case No. 0 6MA-CC00023



ORDE

appointed as Plaintiff Ad Litem pursuant to R.S.Mo.

\$537.021 in his cause of action for the decedent Karla

Lammers.

so one man this 19 7 day of Ana. 2006.

## IN THE CIRCUIT COURT OF MACON COUNTY MISSOURI

DANNY SLATES, Individually and as Plaintiff Ad Litem for KARLA LAMMERS, deceased,

Plaintiffs.

APR 1 9 2006

Cincult Clerk & Ex-Officio Recorder

OUMA-CCBOOS =

SEYED SAJADI, M.D., Et.al,

Defendants.

MOTION TO APPOINT DARKY STATES
AS PLANTIFF AD LITER ON SERALE OF DECEMENT
KARLE LAMMERS, PORSUBNY TO R.S.Mo. \$ 537,021

comes now Plaintiff Danny Slates by and through his attorneys of record and offers the following Suggestions in Support of his Motion to Appoint Plaintiff Ad Litem, so that Plaintiff may prosecute the claims listed in his Petition for Wrongful Death. In support of this Motion; Plaintiff alleges and states as follows:

- 1. That at the time of her death, decedent Karla Lammers was possessed of a cause of action for personal injuries to her in the manner and under the circumstances as alleged in Plaintiff's Petition for Survival Damages.
- 2. That R.S.Mo. § 537.021 provides that when there exists a cause of action for injuries, which action survives the death of the person injured, the Circuit Court in which the action is brought "shall appoint a plaintiff

ad litem at the request of the plaintiff or other interested person as delineated in \$ 537.080 and that such person shall be entitled to the proceeds of such actions. Such plaintiff ad litem may maintain such action instead of a personal representative of the deceased and may maintain the action as an alternative theory in any action under \$ 537.080 . . R.S.Mo. \$ 537.021.1(1)(1993)

Lammers at the time of her death, is the person entitled to maintain an action under R.S.Mo. \$537.080 and desires to pursue an action against the Defendants named in his Petition for Survival Damages of in the Allernative for Wrongful Death, and pursuant to R.S.Mo. \$537.021, respectfully requests the Court to appoint him as Plaintiff. Ad Litem on behalf of his deceased mother, Karla Lammers for this purpose.

WHEREFORE, on the foregoing facts and grounds, Plaintiff respectfully moves the Court o appoint Danny Slates as Plaintiff Ad Litem on behalf of decedent Karla Lammers for the purpose of filling the Petition for Survival Damages or in the Alternative for Wrongful Death.

Case: 2:07-cv-00011-JCH Doc. #: 1-2 Filed: 02/09/07 Page: 13 of 17 PageID #: 13

John S. Rollins #42265

John S. Rellins #42265 Robert N. Houske #36550 BOUSKE & HOLLINS, P.C.

4550 Belleview

Kerisas City, Missouri 64111 TELEPHONE: (816) 756-5800 FROSIMILE: (816) 756-1999

ATTORNEYS FOR PLAINTIFFS

## IN THE CIRCUIT COURT OF MACON COUNTY, MISSOURI

DANNY SLATES, Individually and as Plaintiff Ad Litem for KARLA LAMMERS, deceased,

Plaintiffs,

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SEYED SAJADI, M.D., Et.al,

Defendants.

APR 19 2006

APR 19 2006

Case No. Carain Cierle Ex-Officio Recorder

O G MA- CC 3002 73

AS PLAINTIPP AD LITTER ON BEHALF OF DECEMBER KARLA LAMMERS, FORSUMET TO R.S.Mo. 6 537.021

comes Now Flaintiff by and through his attorneys of remord and, for his Motion to Appoint Plaintiff Danny Slates as Plaintiff Ad Litem on behalf of decedent Karla hammors; pursuant to R.S.Mo. 5 537.021.1(1)(1993), states as follows:

Plaintiff adopts horein as more fully set out, all statements, facts, and allegations contained in Plaintiff's Suggestions in Support of this Motion.

WHEREFORE, on the forcoing facts and grounds, Plaintiff respectfully moves the Court to appoint Danny Slates as Plaintiff ad Litem on behalf of decedont Karla Lammers, so that Plaintiff may prosecute a Petition for Wrongful Death or in the Alternative for Survival Damages, and for such other relief as the Court deems just and proper.

John S. Rollins #42265

John S. Rolline #422853 Robert H. Houske #36550 HOUSKE & ROLLINS, P.C.

4550 Belleview

Kennas City, Missouri 64111 TELEPHONE: (816) 756-5800 FACSIMILE: (816) 756-1999

ATTORNEYS FOR FLAINTIFFS

## IN THE CIRCUIT COURT OF MACON COUNTY, MISSOURY

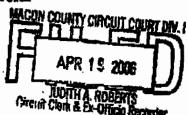
DANNY SLATES, Individually and as Plaintiff Ad Litem for KARLA LAMMERS, deceased,

Plaintiffs,

٧,

SEYFO SAJADI, M.D., Et.al,

Defendants.



# SEMORARDIM TO THE CLERK (SERVICE INFURNATION)

Case No.

Defendant Namaritan Memorial Hospital may be served through the Macon County Sheriff by serving Murrell Arnell at Samaritan Memorial Hospital, 1205 N. Missouri, Macon, MO 63552.

Defendant Seyed Sajadi, M.D. may be served through the sheriff of Johnson County, Kansas. Seyed Sajadi's has a listed address of 14404 England, Overland Park, KS 66221. If the clerk prepares the summons and attaches the petition to the summons and returns the service packet to Plaintiffs' counsel will see to it that the sheriff receives this packet for service.

Defendant Jeffrey Turk may be served through the Randolph County Sheriff by serving Jeffrey Turk at his place of employment, Moberly Radiology & Imaging, LLC, 1509 Union Ave., Moberly, MO 652/0. We are enclosing a check made payable to the Sheriff of Randolph County in the amount of .

\$26.68 for its administrative fee. | The Randolph County

Sheriff is located at 372 Highway: JQ, Huntsville, MO 65259.

Robert H. Houske

#36550

HOUSKE & ROLLINS, P.C.

4550 Belleview :

Kansas City, Missouri 64111 TELEPHONE: (616) 756-5800 FACH MILE: (816) 756-1999

AMPORNEYS FOR PLAINTIFFS